

REMARKS

This Reply is submitted in response to the Non-final Office Action dated October 16, 2008. Applicants respectfully request reconsideration and further examination of the Patent Application under 37 C.F.R. § 1.111.

Summary of the Positions of the Office Action

The current Office Action instituted the following rejections:

Claims 1-2, 6-10, 14-18, and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Deshpande (US 2005/0071881).

Claims 3-5, 11-13, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande (US 2005/0071881) in view of Tao et al (US 6441832).

Summary of Amendments

Of Claims 1-24, three Claims are independent: 1, 9, and 17. Each of the independent Claims 1, 9, and 17 were amended as indicated herein above. Support for these amendments may be found, *inter alia*, at the following example locations: original Claims 5 and 8; FIGS. 6A-6C, Elements 607, 606, 610, 626, 628; FIG. 8, Element 802; and Paragraphs [0043]-[0046].

Additional amendments to the dependent claims have been made to support claim consistency or remedy informalities relating to the phrase “at least one of”.

Remarks

The current Office Action rejected the claims based on Deshpande. Deshpande is directed to playlist creation and playback. More specifically, a user may designate a video segment from a video. The video segment is then added to a playlist. Adding the video segment to the playlist may involve generating display instructions for displaying the video segment and adding the display instructions to the

playlist. As shown generally by FIG. 3, Deshpande indicates that a user may designate the starting frame and the ending frame to delineate a segment for a playlist organization.

However, Deshpande does not teach any kind of timing parameter regarding when a message should be satisfied.

In contrast, Claim 1 now reads as follows:

1. (currently amended) A method for retrieving digital multimedia content from a network node, comprising:
generating a message to said network node by a client application executing on a digital multimedia device, *said message containing at least one multidimensional pointer to a media clip in a depository of digital multimedia content associated with said network node, a relative time offset within said media clip, and a timing parameter operable to indicate when said message is to be satisfied by said network node;* and
transferring digital multimedia content to said digital multimedia device by said network node from a particular content source identified by said multidimensional pointer, *said transferring commencing at a time indicated responsive to said timing parameter.*
(*italicized emphasis added*)

Thus, Claim 1 recites a message containing both a relative time offset and a timing parameter. The timing parameter is operable to indicate when the message is to be satisfied by a network node. The network node commences the transfer of digital multimedia content at a time indicated responsive to the timing parameter.

The current Office Action reads at the rejection of claim 8, in pertinent part on Page 4, in the second paragraph, “Request to play in real-time from clients meets the claimed limitation of “a value of timing parameter is NOW”),”.

This assertion is respectfully traversed. A real-time request refers to how media is to be played. Generally, media is either streamed with playback commencing once a buffer is adequately filled, or the

media is completely downloaded prior to beginning playback. In other words, a real-time request differentiates from a store-and-play-on-demand request. In either case, in the art of record, a responding entity is to satisfy the request for the media as soon as the request is received by commencing transfer immediately. Thus, a real-time request refers to how media is to be played (and not to when a request is to be satisfied).

Even assuming, *arguendo*, that a real-time request can be broadly interpreted as referring to when *a player* is to commence playing media, such a real-time request still does not refer to *when the request is to be satisfied by a network node*.

Hence, no art of record teaches including a timing parameter that indicates when a message is to be satisfied, especially with digital multimedia content transfer commencing at a time indicated responsive to the timing parameter.

Consequently, it is respectfully submitted that independent claims 1, 9, and 17 are allowable over the art of record. Moreover, even though the dependent claims include additional elements militating toward patentability, they are allowable at least for the reasons provided above with regard to their respective independent claims.

Accordingly, withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 is hereby respectfully requested.

Conclusion

Applicants respectfully submit that all of the stated grounds of rejections have been properly traversed, accommodated, or rendered moot. Accordingly, Applicants respectfully request reconsideration of all outstanding rejections on all pending Claims and immediate allowance of Claims 1-24.

It is believed that no additional fee is due for this paper that is not being paid as of its submission. If this is incorrect, the Commissioner is authorized to charge any fees which may be required for this paper to Deposit Account No. 50-1481.

Respectfully submitted,

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